

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULIA BASILE,

Plaintiff,

-against-

WALTER SPAGNOLA, individually,
DONNY ESCHRICH, individually,
KEVIN DLOUGHY, individually,
RICHARD IUELE, individually,
RAMESH MEHTA, individually, and
NEW YORK STATE THRUWAY AUTHORITY,

Defendants.

Docket Number 07-Civ.-11247
(CLB) (LMS)

NOTICE OF MOTION

TO: Jonathan Lovett, Esq.
222 Bloomingdale Road
White Plains, NY 10605
Tel: 914-428-8401

Michael Santangelo, Esq.
95 Beekman Avenue
Sleepy Hollow, NY 10591
Tel: 914-741-2929

PLEASE TAKE NOTICE that Defendants DONNY ESCHRICH, KEVIN DLOUGHY, RICHARD IUELE, RAMESH MEHTA, and NEW YORK STATE THRUWAY AUTHORITY will move before this Court, before the Honorable Charles L. Brieant, United States District Judge, at the United States Courthouse, United States District Court for the Southern District of New York, located at 300 Quarropas Street, White Plains, New York 10601, in Room 218, on March 28, 2008, at 10 am, or at such time thereafter as counsel may be heard, for an Order pursuant to Fed. R. Civ. Proc. 12(b)(6) dismissing the Complaint in its entirety, together with

costs, disbursements, attorneys' fees, and such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that in support of their motion, Defendants shall rely on the accompanying Memorandum of Law in Support of Motion To Dismiss, dated February 15, 2008, the attached exhibit thereto, and the Complaint.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 6.1(b) of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, Plaintiff's answering papers, if any, should be served upon counsel for Defendant no later than March 3, 2008.

Dated: New York, New York
February 15, 2008

ANDREW M. CUOMO
Attorney General of the State of New York
Attorney for Defendants

By: /s/ Joshua Pepper
JOSHUA PEPPER
Assistant Attorney General
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New York, New York 10271
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JOSHUA PEPPER
Assistant Attorney General
Of Counsel

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**CERTIFICATE OF
SERVICE**

I, Joshua Pepper, do hereby certify that I am an attorney admitted to this Court, and I am not a party to the above-captioned proceedings. On February 15, 2008, I personally served, via electronic mail, the Defendants' Notice of Motion and Memorandum of Law in Support of Motion To Dismiss, upon the following:

Jonathan Lovett, Esq.
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White Plains, NY 10605
Tel: 914-428-8401

Michael Santangelo, Esq.
95 Beekman Avenue
Sleepy Hollow, NY 10591
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/s/ Joshua Pepper
JOSHUA PEPPER

Dated: New York, New York
February 15, 2008